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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,895	07/09/2003	Kimihiko Sato	01-442	8423

23400 7590 11/03/2005

POSZ LAW GROUP, PLC  
12040 SOUTH LAKES DRIVE  
SUITE 101  
RESTON, VA 20191

EXAMINER

DWIVEDI, VIKANSHA

ART UNIT PAPER NUMBER

3746

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/614,895	<b>Applicant(s)</b> SATO ET AL.	
	<b>Examiner</b> Vikansha S. Dwivedi	<b>Art Unit</b> 3746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1(one) MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07/09/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☒ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>07/09/2003</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Priority***

- 5     1.     Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy of JP2002-203758 has been received as of July 12<sup>th</sup> 2002.

### ***Information Disclosure Statement***

- 10     2.     Applicant Information Disclosure Statement submitted on July 9<sup>th</sup> 2003 is acknowledged. Since the submission complies 37CFR 1.97 and 1.98 the references listed therein have been considered.

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***Claim Rejections - 35 USC § 112***

Claim 1-15 are being rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject  
5 matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

10 Examples:

a. **Background of the invention** line 15, Page 1: cooling cannot be executed due to no driving

b. **Background of the invention** line 17, Page 1: there are an idling-stop vehicle that stops its engine while temporary stop

15 c. **Summary of the invention** line 5, Page 14: does not need to be a large size

d. **Summary of the invention** line 7, Page 14: This leads to furthermore enhancing downsizing a size.

20 e. **Summary of the invention** line 26, Page 14: according to a result of detecting voltage or capacity of the battery.

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f. **Summary of the invention** line 6, Page 15: continues to be turned on for a certain period even when the vehicle remains stopping.

g. **Summary of the invention** line 10, Page 15: shows a flow chart of processing of controlling

5 **Note** that these are only examples. Applicant should review and revise the entire application.

In addition, the invention as claimed is inconsistent with the specification and generally recognized pump principles.

10 It is a known fact in the art that for a given speed swash plate pumps can be of fixed displacement or variable by having a variable swash plate angle. The greater the slant the further the pistons move and the more fluid they transfer. So, rapidly inclining the swash plate increases the capacity of the pump rather than decrease it. In other words the discharging capacity of the pump varies in accordance with the tilting angle of a swash plate.

15 In claim 1 line 17, it is not clear how the first control value (relates to the electric motor) can be greater than the second control value (which relates to the engine). It is unclear how the electric motor has greater capacity than the engine. The typical rpm values for the electric motor and engine are as follows:

Electric motor ~ 3000 to 5000 rpm

20 Engine ~ 6000 rpm

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The language of the claim 1 contradicts the following specifications:

Summary of The Invention, lines 16 thru 20.

Again, this is only an example of the discrepancies between the claims and the specifications rather than the only things that need to be addressed by

5 the applicant.

It is hereby being suggested that the inventor should revise his/her claims in accordance with the specifications provided for the claimed invention.

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### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following references are cited to further show the state of the art with respect to Hybrid compressor control devices.

US Patent number 6,619,929

15 US Patent number 5,867,996

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**Contact Information**

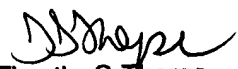
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vikansha S. Dwivedi whose telephone number is 571-272-7834. The examiner can normally be reached on M-F, 8-4.

5 If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Thorpe can be reached on 571-272-4444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

10 Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR  
15 system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VSD

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Timothy S. Thorpe  
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